



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: ALTMEYER-6

In re Application of:)
WOLFGANG ALTMEYER ET AL.)
Appl. No.: 10/714,569) Group Art Unit:1614
Filed: November 14, 2003)
For: METHOD FOR QUALITATIVE AND/OR QUANTITATIVE DETERMINATION OF GENUS, SPECIES, TRACE AND/OR GEOGRAPHICAL ORIGIN OF BIOLOGICAL MATERIAL)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on March 31, 2004.
(Date)

URSULA B. DAY

Name of Registered Representative

SIR:



Signature

March 31, 2004
Date of Signature

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the references which were cited in the instant specification, to the references which were cited in the International Search Report issued by the European Patent Office with regard to the corresponding International patent application No. PCT/DE02/01737, and to several additional references. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

Copies of these references are submitted herewith along with form PTO-1449. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

- This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.
- This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.
- This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.
- The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

- That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- The fee of \$180.00 set forth in 1.17(p).
- The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the International Search Report together with a translation of the relevant pages thereof.

The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted

By: _____

Ursula B. Day
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Reg. No. 47,296

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The undersigned hereby states:

- That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- The fee of \$180.00 set forth in 1.17(p).
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In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the International Search Report together with a translation of the

relevant pages thereof. In addition, applicant notes with respect to any information that is not in English language as follows:

Reference DE 694 22 339 T2 describes a method for the direct analysis of analyte indicative of marijuana exposure found in keratinized structures, e.g., hair, fingernails and toenails, which comprises preparing a mixture containing dithiothreitol or dithioerythritol, a protease suitable for the digestion of the keratin structure and a sample of the keratin structure; permitting the enzyme to at least substantially digest the sample of keratin structure to form a digest solution, followed by mixing the digest solution with a suspension of an ion exchange resin to remove an interfering, cross reacting substance naturally found in hair and finally subjecting the digest solution to analysis to determine the identity and amount of marijuana analyte in the keratin structure sample. To accelerate the method, cupric sulfate may be added to the mixture after degradation of the keratin sample in order to deactivate the activator. The enzyme may be a protease with papain, chymopapain, and proteinase K being preferred for use in the invention. Exemplary ion exchange resins useful in the method according to the invention are DEAE Sephadex (Diethylaminoethyl Sephadex) and DEAE Sepharose (Diethylaminoethyl Sepharose).

Reference DE 691 20 472 T2 describes a method for the direct analysis of analyte in keratinized structures, e.g., hair, fingernails and toenails, which comprises preparing a mixture containing a low redox potential compound such as dithiothreitol or dithioerythritol, an enzyme suitable for the degradation of the keratin structure and a sample of the keratin structure; permitting the enzyme to

at least substantially degrade the sample of keratin structure, and subjecting the mixture to analysis to determine the identity and amount of analyte in the keratin substance sample. To accelerate the method, cupric sulfate or sodium arsenite may be added to the mixture after degradation of the keratin sample. The enzyme may be a peptidase, endopeptidase or proteinase, with papain, chymopapain, and proteinase K being preferred for use in the invention

The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted

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INFORMATION DISCLOSURE CITATION

Attorney's Docket No. ALTMAYER-6	Applicant Wolfgang Altmeyer et al.	Appl. No. 10/714,569
Filing Date November 14, 2003	Group 1614	Examiner

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date, if appropriate
	5,952,653 A	09-14-1999	Covey et al.			
	5,969,350 A	10-19-1999	Kerley et al.			
	6,177,266	01-23-2001	Krishnamurthy			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation
	DE 19713194A1	10-01-1998	Germany			
	DE 198 42 991 A1	03-23-2000	Germany			
	SU 1 222 246 A	03-30-1986	Russia			
	2 647 89 906	12-07-1990	France			
	WO 96/36986	11-21-1996	PCT			
	WO 98/07036	02-19-1998	PCT			
	DE 694 22 339 T2	08-24-2000	Germany			
	DE 691 20 472 T2	02-06-1997	Germany			
	WO 00/63683	10-26-2000	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Official Collection of Examination procedures according to §36 LMBG: "Nachweis der Tierart bei nativem Muskelfleisch ..", L 06.00-27, December 1988
	Official Collection of Examination procedures according to §36 LMBG: "Nachweis der Tierart bei Milch, Milchproduktion, ..", L 01.00-39, January 1995
	Official Collection of Examination procedures according to §36 LMBG: "Nachweis von Kuhmilchkasein in Käse aus ..", L 03.52-1(EG), September 1997
	Official Collection of Examination procedures according to §36 LMBG: "Immunoenzymatischer Nachweis der Tierart ..", L 06.00-47, November 1999
	Official Collection of Examination procedures according to §36 LMBG: "Nachweis von rohem und erhitztem Rind- und Schweinefleisch...", L 06.00-12, Febr. 1996
	"Determination of Feather and Down Specie, Proposed IDFB Method – May 1, 1999
	Krishnamurthy et al.: "Detection of Pahtogenic and Non-pathogenic Bacetria ...", in: Rapid Communications in Mass Spectrometry, Vol. 10, pages 883-888

Examiner:

Date considered:

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.